



## Confidentiality Policy

The Cedar Park Public Library complies with the Texas Privacy Law (*Texas Government Code, Section 552.124*) and the USA PATRIOT Act (*USA Patriot Act of 2001, Section 215*) and will protect the privacy of ALL patrons.

**What is protected:** The following information *will NOT be shared* without a court order, subpoena, or warrant, *regardless* of legal rank:

- A patron's name, address, telephone number, e-mail address, age, marital status, or other personally identifiable information
- Whether a person is currently or has ever been a patron of the Library
- The number or character of questions asked by a patron or patrons
- The frequency or content of a patron's visits to the Library
- The Library's circulation records or their contents
- The Library's patron records or their contents
- Information about what the patron viewed or used while at the Library

*Individuals and their authorized representatives may be given access to the above-mentioned information held by the Library to the extent that the information relates to that particular individual, so long as there are no other grounds to deny access to the information under Chapter 552 of the Texas Government Code.*

**How we protect your confidentiality, the Library will:**

1. Retain only that personal information necessary to deliver library services and maintain control of library property.
2. Eliminate confidential information from public access, and verifies your identity by asking for your driver's license number during telephone transactions.
3. Purge electronically or manually shreds data in accordance with the state retention schedules.
4. Release account information only to the account holder or to that person's authorized representative, including the adult responsible for a child's card.

5. Not share, sell, or lease your personal information to any commercial or nonprofit entity that is not affiliated with the library.
6. Regularly remove Web history, cached files, and other computer and Internet use records.
7. Not share with third parties or private or public agencies any information about library users, the materials they check out, the information they seek, or the services they use, unless required to do so under the provisions of the Texas Government Code or the U.S.A. Patriot Act.
8. Deny all requests from third parties for records containing personal information, and refers such questions to the Director when necessary.
9. Require the Director to consult with the City Attorney before determining the proper response to any request for records.

**What is not protected:** Information that can be used as evidence of illegal offenses, international terrorist activities, or clandestine intelligence activities, or information that is necessary to protect public safety may be shared with law enforcement *only* if a court orders it and produces the necessary legal documents. See *Texas Government Code, Section 552.124* and the *USA Patriot Act of 2001* for information disclosure requirements.

The Library interprets the possession of a Library card as consent to access the cardholder's account, unless it has been reported lost or stolen.

Outstanding Library accounts may be revealed to parents of a minor, a collection agency, the City Attorney's Office, or law enforcement personnel for collection purposes.

Contact information for meetings, displays, and community information is provided by the contact person and is considered public information.

**Privacy and the Internet:** Patrons should be aware that the Internet is not a secure medium and that personal information may be accessed by others. The Library will not be held responsible for any unauthorized use of personal data. The Library will not release internet access or usage information for any patron except as required by law. Patrons should be aware that our wireless network is unsecured and information sent over this network is not encrypted.

## **Legal Codes**

**The Texas Privacy Act:** In 1995, the State of Texas amended the Texas Open Records Act to include protection of the privacy of library circulation records.

### ***Texas Government Code, Section 552.124. Exception. Records of Library or Library System***

(a) A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained or used a library material or service is excepted from the requirements of Section 552.021 unless the record is disclosed:

(1) because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;

(2) under Section 552.023; or

(3) to a law enforcement agency or a prosecutor under a court order or subpoena obtained after a showing to a district court that:

(A) disclosure of the record is necessary to protect the public safety; or

(B) the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

(b) A record of a library or library system that is excepted from required disclosure under this section is confidential.

*Added by Acts 1995, 74<sup>th</sup> Legislature, Chapter 76, Section 5.03(a), effective September 1, 1995; Acts 1995, 74<sup>th</sup> Legislature, Chapter 1035, Section 11, effective September 1, 1995.*

**The USA PATRIOT Act:** the *USA Patriot Act of 2001, Sections 214, 215 and 216* makes it possible for Library users' activities to be put under government surveillance.

### ***USA Patriot Act of 2001, Section 215. Access to Records and Other Items Under the Foreign Intelligence Surveillance Act.***

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

"Sec. 501. Access to Certain Business Records for Foreign Intelligence and International Terrorism Investigations.

(a)(1) the Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the constitution"

*Codified in law at 50 U.S.C., Section 1862.*